

Harrigan Wins Appeal - Officer Back at Work

By SUSANNA SHOHAM

Selectmen learned Monday night that police officer John I. Harrigan, who was fired last July for "intentional misconduct involving off-duty alcohol consumption while driving," has been reinstated to restricted administrative

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duty by the court, according to Duxbury Town Counsel Robert Troy.

Town Manager Rocco Longo fired Harrigan after a disciplinary hearing held on June 26, 1995, regarding an off-duty alcohol-related incident in May 1995 during which Harrigan was pulled over by Hanson police officers because he was allegedly driving erratically, questioned about alcohol use and then driven to his home after showing the Hanson officers his police identification, according to the 42-page decision submitted by Longo and signed by the board of selectmen last July.

"Because of the potential danger to the public and the repercussions to the Town, I am deciding that an officer who repeats intentional misconduct involving off-duty alcohol consumption, while driving, cannot remain a member of the Duxbury Police Department," said Longo in the decision.

In addition to the alcohol-related incident, special treatment by the Hanson police officers of Harrigan was discussed in Longo's decision. "I find that Officer Harrigan produced his Duxbury police officer identification in order to seek special treatment from the Hanson Police Department because he was a police officer," Longo wrote that Harrigan was not "faithful to the standards expected of police officers" because he offered his police identification and "was attempting to obfuscate his conduct and win consideration and empathy as a fellow police officer. He was thus utilizing his official position to secure an unwarranted personal privilege...by doing so he put into play the trust and responsibility assigned to him by the Town of Duxbury...Officer Harrigan's conduct in this incident alone justifies a most severe penalty. However in the context of Officer Harrigan's disciplinary record, it seems clear that this incident repeats conduct which has already been censured by punishment."

Harrigan had been disciplined twice before for incidents involving alcohol while on and off-duty. He was arrested for operating under the influence while off-duty in March 1993 and was suspended for 14 days. Also, Harrigan was suspended for 18 months for on-duty intoxication while being a dispatcher at the Duxbury police department in May 1993. After both of these incidents Harrigan was urged to seek alcohol counseling and treatment.

Harrigan appealed his termination to the Civil Service Commission, which reinstated him to his position because the court found little evidence to uphold the

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firing, according to Troy. He said this was because the 2 Hanson officers recanted their earlier testimony in which

they had stated that they smelled alcohol on Harrigan and that they believed he was intoxicated. The officers also gave conflicting evidence about their knowledge of Harrigan being a police officer as they were aware of his earlier suspensions and at the time of the incident did not know if Harrigan was still on the force.

"As a result of the recanting, the administrative law magistrate has adopted a decision to reinstate officer Harrigan," Troy said. "Harrigan is on restricted administrative duty. He's not driving a vehicle."

Troy added that the decision of the Civil Service Commission was issued despite 6 police officers testifying against Harrigan.

The town will fight the reinstatement, said Troy. "We have filed a motion to reconsider with the Civil Service Commission. We intend to continue and persevere. I think the results show that every officer who is not able to meet the standards of the department is replaced with new blood that reinvigorates the department."

Troy also said the town will take its case against Harrigan to the Superior Court if the Civil Service Commission does not reconsider the appeal.

Longo was in favor of Troy's actions. "I support town counsel's recommendation," he said.